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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,953	09/08/2003	Regina A. Cetrangelo	CETR200	8765
23590	7590	09/20/2007		
RICHARD L HUFF 19304 OLNEY MILL ROAD OLNEY, MD 20832			EXAMINER EL ARINI, ZEINAB	
			ART UNIT 1746	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/656,953

Applicant(s)

CETRANGELO, REGINA A.

Examiner

Zeinab E. EL-Arini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment and remarks filed 12/4/06 have been acknowledged and entered.

Claim Rejections - 35 USC § 112

1. The rejection under 35 U.S.C. 112, second paragraph, stated in paper No.20061116 has been withdrawn in view of applicant's amendment.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallock et al. (5,471,706).

Wallock et al. disclose a device for cleaning dental instrument comprising a container containing bristles, and a finger grip ribs 22 (girth). The reference discloses that the container includes guard loop 50, and guard collar 45, and protective rim. See col. 3, line 65- col. 4, line 2, col. 5, lines 3-10, 57-59, 29-37, and the claims. The reference discloses the prongs (brush 10) as claimed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallock et al. (5,471,706) in combination with Williams (4,362,241).

Wallock et al. disclose a device for cleaning dental instrument comprising a container containing bristles, and a finger grip ribs 22. The reference discloses that the container includes guard loop 50, and guard collar 45, and protective rim. The reference does not teach the container includes gauze, as claimed. See col. 3, line 65- col. 4, line 2, col. 5, lines 3-10, 57-59, 29-37, and the claims.

Williams discloses an apparatus for disinfection of dental instruments. The reference discloses the container and the gauze inside the container. See Figs. 1 and 7, col. 4, lines 61-67, and col. 5, lines 14-25.

It would have been obvious for one skilled in the art to use the gauze taught by Williams in the Wallock et al. container to remove any contaminants remains on the instrument.

6. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cerroni (5,704,088) in combination with Wallock et al and Williams.

Cerroni discloses a method and apparatus for cleaning dental instruments. The reference discloses holding the device in one hand, placing the dental instrument inside

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the open container, putting the pointed tip of the dental instrument in contact with the bristles, and wiping the tip of the instrument. See col. 3, lines 1-38. The reference discloses the objectives and advantages of the invention to provide an apparatus has many sizes and many geometric volume configurations. See col. 5, lines 21-34. The reference discloses the device is made of flexible material as claimed. See the abstract, col. 5, lines 20-42, col. 6, lines 11-30, and claims 2, 11.

The reference does not teach the container containing gauze, the girth, and the prongs as claimed.

Wallock et al. disclose a device for cleaning dental instrument comprising a container containing bristles (prongs), and a finger grip ribs 22 (girth). The reference discloses that the container includes guard loop 50, and guard collar 45, and protective rim. The reference does not teach the container includes gauze as claimed. See col. 3, line 65- col. 4, line 2, col. 5, lines 3-10, 57-59, 29-37, and the claims.

Williams discloses an apparatus for disinfection of dental instruments. The reference discloses the container and the gauze inside the container. See Figs. 1 and 7, col. 4, lines 61-67, and col. 5, lines 14-25.

It would have been obvious for one skilled in the art to use the gauze taught by Williams and the girth and prongs taught by Wallock et al. in the Cerroni container to enhance the cleaning. This also because the brush element taught by Cerroni may be absorbent and made of a material such as a rough sponge material, ----, or a rough

cloth material such as terry cloth. See col. 6, lines 28-32. The reference also teaches securing the brush element. It would have been obvious for one skilled in the art to use the gauze as absorbent material in Cerroni container because Cerroni's brush may be made of absorbent material, the girth (finger grip 22) taught by Wallock et al. in the Cerroni's apparatus to enhance the holding of the apparatus and therefore enhance using the apparatus during the cleaning. The barrier 24 (col. 6, lines 53-58) taught by Cerroni is equivalent to the prongs as claimed.

Response to Arguments

7. Applicant's arguments filed 12/4/06 have been fully considered but they are not persuasive. Applicants' argument with respect to the cited art is unpersuasive for the reason set forth in this office action. With respect to the open container, see Wallock et al, claims 1 and 3. With respect to applicant's argument that there is no specific suggestion or motivation in the references to combine the prior art, the KSR forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision Ex parte Smith, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007) (citing KSR, 82 USPQ2d at 1396)(available at <http://www.uspto.gov/web/offices/dcom/bpai/prec/fd071925.pdf>). With respect to finger rest, the girth, and the stem, see Figs. 1, 2, and 5. With respect to the container contains gauze, the brush 14 of Cerroni may be absorbent, therefore one skilled in the art would use the gauze taught by Williams in the Cerroni device, because the gauze is absorbent material, which is equivalent to the brush made of absorbent

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material as taught by Cerroni (see col. 6, lines 28-32). With respect to the exterior surface is textured, it is a design choice.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeinab E. EL-Arini whose telephone number is (571) 272-1301. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zeinab El-Arini
Zeinab E. EL-Arini
Primary Examiner
Art Unit 1746

ZEE
9/2/07.